IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 900 of 2006 (M/B)

1. Mrs. Pushpa Devi W/o Late Sri Devki Nandan Ghai.
2. Subhash Ghai S/o Late MR. Devki Nandan Ghai.
   R/o 2, Ashirwad Enclave, Ballupur Road,
   Dehradun.
3. Surendra Ghai S/o Late Mr. Devki Nandan Ghai.
4. Mahendra Ghai S/o Late Mr. Devki Nandan Ghai.
   All R/o 2, Ashirwad Enclave,
   Ballupur Road, Dehradun. …… Petitioners

Versus

1. Commissioner of Income Tax,
   Income Tax Office, Subhash Road,
   Dehradun.
2. Tax Recovery Officer,
   Range 1, Income Tax Office,
   Subhash Raod, Dehradun.
3. Mr. Chand Praveen Sale Officer,
   M/s Ram Kishan & Company,
   22 New Road, Dehradun.
4. Sanjay Ghai S/o Late Mr. Devki Nandan Ghai,
   R/o Guru Ram Rai Market,
   Dilaram Bazar, Rajpur Road, Dehradun…….. Respondents

Mr. Alok Singh, Senior Counsel with Mr. D. Barthwal, Advocate for the petitioners.
Mr. Pitamber Maulekhi, Standing Counsel for respondents Nos. 1 & 2.
None for respondents Nos. 3 & 4.

JUDGMENT

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble J.C.S. Rawat, J.

RAJEEV GUPTA, C. J. (Oral)

Mr. Alok Singh, Senior Counsel with Mr. D. Barthwal, Advocate for the petitioners.

Mr. Pitamber Maulekhi, Standing Counsel for respondents Nos. 1 & 2.

None for respondents Nos. 3 & 4.

2. Mr. Alok Singh, the learned Senior Counsel for the petitioners, in view of the specific averment made by respondents Nos. 1 & 2 in their counter affidavit to the effect that the Department has accepted

the prayer of respondent No. 4 (the defaulter) of extending the facility of instalments for making payment of the income tax dues and in view of the said development, the public auction of the property in question scheduled to be held vide Annexure A1 has now been cancelled, seeks permission to withdraw the writ petition with the liberty of filing another writ petition, if the further developments so warrant.

3. Permission granted.

4. With the above liberty, the writ petition is dismissed as withdrawn.

5. With the above order, CLMA No. 9528 of 2006 also stands dismissed as withdrawn.

(J.C.S. Rawat, J.) **(Rajeev Gupta, C. J.)**
22.08.2006 22.08.2006

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